

LOUISIANA—INHABITANTS ENTER BACK LANDS.

JUNE 10, 1842.

Laid upon the table.

Mr. T. SMITH, from the Committee on Public Lands, made the following

REPORT :

The Committee on Public Lands, to whom was referred the petition of Auguste Ure and others, of the parish of Terre Bonne, in the State of Louisiana, would respectfully report :

That the petitioners represent that they are now, and for more than six years past have been, owners and possessors of the tract of land known as the Pierre Mirrau concession, situate and bordering on each side of the Bayou Terre Bonne, township seventeen, range seventeen east, southeastern district of Louisiana ; that, during the existence of the law "giving to the owners of land bordering on any of the rivers, creeks, bayous, or other water-courses, of the State of Louisiana, the right of becoming purchasers, by preference, of the back tracts adjacent to those owned by them," they caused due application to be made to the proper land officers, at the land office in the city of New Orleans, for entering and purchasing the back tracts adjacent to those owned by them ; that the register of said land office refused, at the time of said application, to enter the same, and to sell to the petitioners the proportion of land to which they were entitled according to the act of Congress above mentioned, and approved 24th of February, A. D. 1835 ; that the register's refusal was based on the following grounds : 1st. That the United States were divested of title to said back tracts adjacent to the petitioners' land. 2d. That the titles to said back lands were in the person of Louis Dumas, or representatives, in virtue of a Spanish grant, confirmed by act of Congress. The petitioners further represent that, since the expiration of the law first above mentioned "authorizing the inhabitants of Louisiana to enter the back lands," they have been informed that the supposed Spanish grant, which divested the titles of the United States to the lands aforesaid, was a forgery, the same being in favor of Louis Dumas ; that, in consequence of the detection of said fraudulent title, the patent which had already issued on said Spanish title was suspended—praying that they may be entitled to enter and purchase, by preference, the back lands of their front tracts, in compliance with the requisites of the act in force when they made their application.

By the act of the 15th of June, A. D. 1832, entitled "An act to authorize the inhabitants of the State of Louisiana to enter the back lands,"

it is provided, in substance, that every person who, either by virtue of a French or Spanish grant, recognised by the laws of the United States, or under a claim confirmed by the commissioners appointed for the purpose of ascertaining the rights of persons claiming lands in the State of Louisiana, or by virtue of any title derived from the United States, owns a tract of land bounding on any river, creek, bayou, or water-course, in the said State, and not extending in depth forty arpens, French measure, shall be entitled to a preference in becoming the purchaser of any vacant tract of land adjacent to and back of his own tract, not exceeding forty arpens, French measure, in depth, nor in quantity of land that which is contained in his own tract, at the same price, and on the same terms and conditions, as are or may be provided by law for the other public lands in said State: *Provided*, That the right of pre-emption, granted as above, shall not extend so far in depth as to include lands fit for cultivation bordering on another river, creek, bayou, or water-course; and every person entitled to the benefit of this provision shall, within three years after the date of this act, deliver to the register of the proper land office a notice, in writing, stating the situation and extent of the tract of land he wishes to purchase, and shall also make the payment or payments for the same at the time or times which are or may be prescribed by law for the disposal of the other public lands in the said State—the time of his delivering the notice aforesaid being considered as the date of the purchase: *And provided, also*, That all notices of claims shall be entered, and the money paid thereon, at least three weeks before such period as may be designated by the President of the United States for the public sales of the lands in the township in which such claims may be situated, and all claims not so entered shall be liable to be sold as other public lands; and if any such person shall fail to deliver such notice within said period of three years, or to make such payment or payments at the time above mentioned, his right of pre-emption shall cease and become void, and the land may thereafter be purchased by any other person in the same manner and on the same terms, as are or may be provided by law for the sale of other public lands in the said State. By the act of the 24th of February, 1835, entitled "An act supplementary to an act entitled 'An act to authorize the inhabitants of the State of Louisiana to enter the back lands,'" the time given to the owners of lands in the State of Louisiana, as aforesaid, to become the purchasers, by preference, of the back tracts adjacent to those owned by them, was extended for the period of one year, from the 15th day of June, A. D. 1835.

The only evidence adduced by the petitioners, in support of their application, consists in the affidavit of Henry Claiborne Thibodaux, appended to the petition, in which he states that, in 1836, he made due application to the register of the land office, in the city of New Orleans, for entering and purchasing the back tracts of the petitioners' lands, which, to the best of his knowledge, are situated and bordering on the Bayou Terre Bonne, township seventeen, range seventeen east, southeastern district of Louisiana, and they do not extend in depth more than five arpens, and that Zephen Canorge, the register of the land office in the city of New Orleans, refused to enter to said petitioner double concessions, alleging that the same were claimed in virtue of a private title. In the opinion of the committee, the facts averred in the petition, and

established by the proof, are not sufficient to entitle the petitioners to the relief sought. It nowhere appears, either from the petition or the evidence, that the lands to which the petitioners claim a pre-emption right are vacant or public lands. All that the petitioners state is, that they have been informed that the supposed Spanish grant, in favor of Louis Dumas, is a forgery, and that his patent has been suspended; and Mr. Thibodaux merely says that the register of the land office at New Orleans refused to enter to the petitioners double concessions, alleging that the same were claimed in virtue of a private title. Nor does it appear, either from the petition or proof, that the application to enter the back lands in question was made within one year from the 15th day of June, 1835. The committee would therefore recommend the adoption of the following resolution:

Resolved, That the prayer of the foregoing petition ought not to be granted.

THE STATE OF NEW YORK
IN SENATE
JANUARY 18, 1894.
REPORT
OF THE
COMMISSIONERS OF THE LAND OFFICE
IN RESPONSE TO A RESOLUTION
PASSED BY THE SENATE
MAY 1, 1893.
ALBANY:
J. B. LEECH, STATE PRINTER.
1894.